

CITY COUNCIL MEETING
AUGUST 19, 1987

REVIEW OF THE LODI
PARKS AND RECREATION
COMMISSION'S
RECOMMENDATION
REGARDING MOTORIZED
BOATING ON LODI
LAKE

CC-27(c)
CC-40

Council was reminded that at its regular meeting of June 3, 1987 the City Council heard a recommendation from the Parks and Recreation Commission that motorized boating be prohibited on Lodi Lake. The matter was set for public hearing June 17, 1987 and was held on that date. At the conclusion of that hearing, at which considerable testimony was presented, the City Council referred the matter back to the Parks and Recreation Commission with a request that the Commission consider a compromise solution which might provide for non-conflicting use of the lake by both motorized and non-motorized craft.

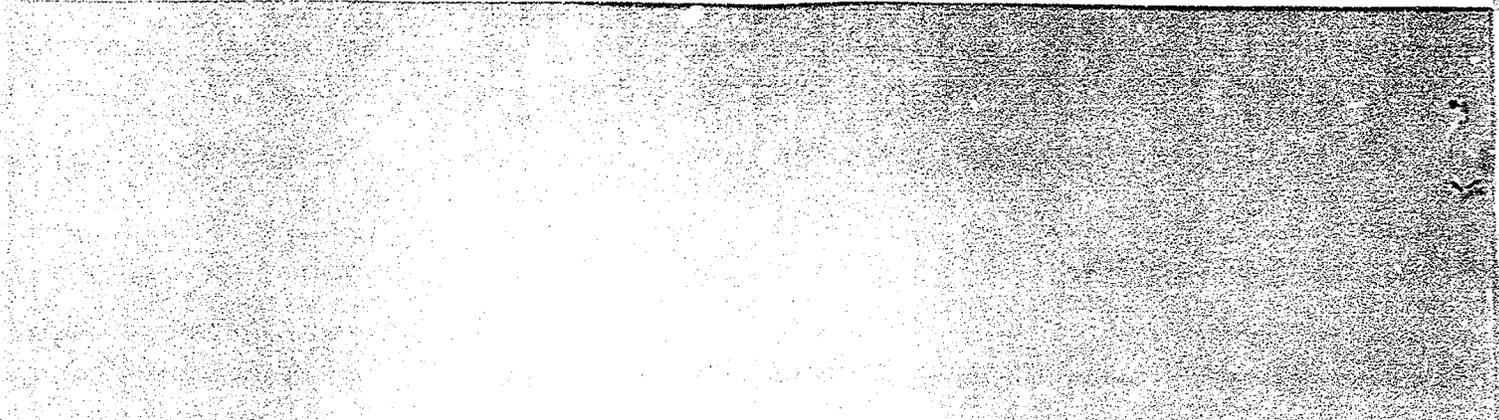
The Commission again heard this matter at its regular meeting of July 7, 1987 and voted unanimously to return its original recommendation to the City Council. The recommendation is that all motorized boating be eliminated from Lodi Lake with certain exceptions (i.e. Fourth of July races); and that the boat launching ramp remain open to provide access to the Mokelumne River with the prohibition of certain types of high-performance boats.

Addressing the Council regarding the matter were:

- A) Mr. Les Kolb, 303 Acacia Street, Lodi
- b) Mr. Adam Farrow, 29 Kelly Street, Lodi
- c) Mr. Paul Wood 251 Corinth Avenue, Lodi

Responding to questions as were posed by the Council were Parks and Recreation Director Ron Williamson and Parks Superintendent Scott Essin.

Following a lengthy discussion, Council on motion of Council Member Hinchman, Pinkerton second, established the following schedule for boating on Lodi Lake:



- A) Power craft will be allowed to use the lake from 8:00 a.m. to noon and 6:00 p.m. to dusk on Mondays, Wednesdays, and Fridays.
- B) Non-power craft will be allowed to use the lake from 8:00 a.m. to noon and 6:00 p.m. to dusk on Tuesdays, Thursdays, Saturdays, and Sundays.

Further, Council directed that a survey be conducted on the lake's usage by non-power craft.

The motion carried by the following vote:

Ayes: Council Members - Hinchman, Pinkerton, and Olson (Mayor)

Noes: Council Members - Reid

Absent: Council Members - Snider

On motion of Council Member Hinchman, Olson second, Council voted to close the boats' access from the launch on the lake to the Mokelumne River next March.

The motion carried by the following vote:

Ayes: Council Members - Hinchman, Pinkerton, and Olson (Mayor)

Noes: Council Members - Reid

Absent: Council Members - Snider

Council Member Hinchman then moved that all V-Drive, and inboard jet craft be restricted from using the lake. The motion was seconded by Council Member Pinkerton. (Following additional discussion, the maker of the motion and the second agreed to withdraw the motion).

Mayor Olson then directed staff to bring back to the Council a recommendation on the types of power craft that should be prohibited from using the lake.

THE FOLLOWING DOCUMENTS
WILL REQUIRE MORE THAN ONE SHOT
AS THEY ARE OVERSIZED
AND WILL NOT FIT IN THE FRAME

Council limits motor boat hours

By JULIE SCHMITT

News-Sentinel staff writer

All power boats will continue to be allowed on Lodi Lake on a limited basis, based on the Lodi City Council's vote Wednesday.

Power boats will be allowed Monday, Wednesday and Friday from 8 a.m. to noon and from 6 p.m. to dusk. They will not be allowed at all on the weekends.

"That would be fine, we'll take anything we can get," said Paul Cornith, a strong supporter of

motor boats on the lake.

Parks and Recreation Director Ron Williamson said signs may be posted as early as Monday, at which time the new regulations will be enforced.

Currently, motor boats are allowed on the lake everyday before noon and after 7 p.m.

The debate concerning power boats on the lake has raged for months, with the Parks and Recreation Commission voting twice to eliminate them completely.

Dean Devine, commission chairman, said the commission did so primarily because it determined the lake to be too small to accommodate motor boats and because the elimination of power boats was recommended by the city's consultants.

The council, however, was not ready for such a move. "It is inevitable the motor boats will have to come off the lake," said Mayor Evelyn Olson. "It is just too small."

But Olson said she first wanted a study to determine how heavily the lake will be used by non-motorized crafts and activities once the power boats are off.

The council also voted to close the boat access from the launch on the lake to the Mokelumne River next March. "I don't like the city giving access to the river," said Councilman Dave Hirschman.

The launch is to remain open to give access to the lake. The council also asked the Parks and Recre-

Motor boat hours on Lodi Lake

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The council also voted to close the boat access from the launch to the lake to the Mokelumne River next March. "I don't like the city giving access to the river," said Councilman Dave Hinchman.

The launch is to remain open to give access to the lake. The council also asked the Parks and Recre-

ation Department to make a recommendation at a later date as to what types of motorized boats should be prohibited completely from using the lake.

Williamson said the recommendation is expected to eliminate high-powered and especially dangerous crafts only.

He also said that once the swimming area and city boat rental operation ends after Labor Day, the power boats will be able to use the lake the entire day on Mon-

days, Wednesdays and Fridays. In voting to continue to allow motor boats on the lake, the council also voted to ignore a California state boating law that states boats cannot go faster than 5 mph within 200 feet of any structure.

Williamson told the council the department stores the rental boats 200 feet from the shore, which would indicate any boaters going faster than 5 mph would have to stay very close to the middle of the lake.

Williamson said the council should also consider the possibility of a ban on motor boats on the lake. "I don't want the lake to be a parking lot for motor boats," he said. "I want the lake to be a place where people can enjoy the water."

(Continued on Back Page)

Lake

days and Friday to continue to allow on the lake, the council to ignore a California law that states boats faster than 5 mph within 7 structures.

Williamson also told the council the department stores its rental boats in the lake on the shore, which any boaters going 5 mph would have to see to the middle of the lake.

Boat hours on Lodi Lake

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lake not to infringe on the distance limitation.

Councilman James Pinkerton suggested the department consider buying its boats nearer to the shore to allow motor boaters more area to travel.

Councilman Fred Reid dissented in the vote to allow motor boats on the lake on certain days. "I don't want them on the lake. I think they are a hazard," he said. Councilman Randy Snider was absent.

(Continued on Back Page)

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL	COUNCIL MEETING DATE	NO.
FROM: THE CITY MANAGER'S OFFICE	August 19, 1987	
SUBJECT: REVIEW OF THE LODI PARKS & RECREATION COMMISSION'S RECOMMENDATION REGARDING MOTORIZED BOATING ON LODI LAKE		

PREPARED BY: City Manager

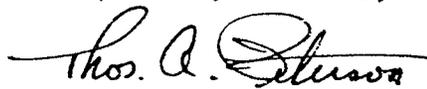
RECOMMENDED ACTION: That the City Council review the recommendation of the Parks and Recreation Commission concerning motorized boating on Lodi Lake and take action as deemed appropriate.

BACKGROUND INFORMATION: At its regular meeting of June 3, 1987 the City Council heard a recommendation from the Parks and Recreation Commission that motorized boating be prohibited on Lodi Lake. The matter was set for public hearing June 17 and the hearing was held on that date. At the conclusion of that hearing, at which considerable testimony was presented, the City Council referred the matter back to the Parks and Recreation Commission with a request that the Commission consider a compromise solution which might provide for non-conflicting use of the lake by both motorized and non-motorized craft.

The Commission again heard this matter at its regular meeting of July 7, 1987 and voted unanimously to return its original recommendation to the City Council. The recommendation is that all motorized boating be eliminated from Lodi Lake with certain exceptions (i.e. Fourth of July races); and that the boat launching ramp remain open to provide access to the Mokelumne River with the prohibition of certain types of high-performance boats. A copy of the Council Communication prepared by the Parks and Recreation Director for the regular City Council meeting of June 3, 1987 is attached (Exhibit A). Also attached (Exhibit B) is a boating schedule prepared by the Parks and Recreation Director which represents a possible compromise solution should the City Council wish to pursue that alternative, and a draft "Lodi Lake Boating Regulations" (Exhibit C). In addition, Lodi Lake personnel were directed to monitor power boat traffic on the lake for several days during those hours when "open boating" is permitted. A copy of the results of that survey is attached (Exhibit D).

The Parks and Recreation Director and other appropriate staff of that department will be in attendance at Wednesday night's meeting to answer questions and provide whatever additional information Councilmembers might desire. A representative of the Parks and Recreation Commission will also be in attendance.

Respectfully submitted,


Thomas A. Peterson
City Manager

TAP:br

Attachments (4)

TXTA.07A COUNC246

COUNCIL COMMUNICATION

EXHIBIT A

TO: THE CITY COUNCIL	DATE: June 3, 1987	NO.
FROM: THE CITY MANAGER'S OFFICE		

SUBJECT: City Council set a public hearing to consider recommendation of the Parks and Recreation Commission regarding motorized boating on Lodi Lake.

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That the City Council set a public hearing for June 17, 1987, to receive public input regarding motorized/power boating on Lodi Lake

BACKGROUND INFORMATION: The Parks and Recreation Commission took under advisement the recommendations of the Lodi Lake Park Master Plan of 1975 (Exhibit A attached) and the current plan under development by Mr. Richard Bigler (Exhibit B attached) wherein both have recommended the elimination of motorized/power boating on Lodi Lake due to the size of the Lake, its liability during use, and its disruptive uses by motorized/power boats which restrict the use by any others wishing to put sailboats, canoes, or any other non-motorized crafts in the water. Additionally, it has been stated that use by motorized crafts have torn down and eroded the banks and required extensive repairs to same, i.e. cement retaining walls have been constructed to prevent further bank problems.

The Parks and Recreation Commission conducted two meetings to hear public concern over eliminating motorized power boating on the Lake, which were held on April 7 and May 5 during the course of the regular Commission meetings. Approximately 20 people were present at these two meetings, which had been set to explore and discuss the basic problems and receive input. Various legal questions were asked at these meetings, at which time Director Williamson was asked to secure answers to lake/river concerns and report back at the May meeting.

These questions were directed to City Attorney, Ron Stein, who was asked to attend the May meeting and answer any questions that might be raised as well as to bring the Commission up-to-date regarding access and liability responsibilities.

After much discussion and participation by the audience, the Commission moved that (1) all motorized power boating be eliminated from Lodi Lake, with the exception of sanctioned City of Lodi sponsored activities, rental boat recovery needs, and general park patrol functions; (2) that the launch or ramp be kept open for public access, for launching motorized power crafts, which will in turn be required to go directly into the river and exit likewise to recover craft; and (3) that there be a restriction on the types of motorized crafts that can be launched, those types being V-drives, inboards and jet boats, and all others would be approved to launch and have access to the river.

It should be noted that this recommendation was put together with assistance from citizens present and met with approval at its conclusion for presentation to the Council.

I might additionally bring to your attention the "Lodi Municipal Code" book of the general ordinance of the City and to Section 12: "Streets, sidewalks and public places" Page 203, 12.12.180 "Boating - Where Permitted" for review of the current ordinance covering boating in public places (Exhibit C attached.)

Ronald W. Williamson, Director
Recreation and Parks Department

EXHIBIT A

LODI LAKE MASTERPLAN. SUMMER 1986

BOATING:

The issue of boating is brought up in the 1975 Masterplan of the Lodi Lake. The recommendation is to discontinue power boating. No discussion exists other than to stop power boating.

Power boating, as it now exists should be discontinued. Not only is the present use life threatening, it is a miracle, no life or limb has been lost to date. The result of such a accident would result in a massive suit against the City.

Other negative factors of power boating are:

- a. Noise pollution of a residential area.
- b. Human powered boats, sail boats, surf craft and power boats do not mix. (photo record)
- c. Bank damage to the river. The main portion of the lake and some areas of the river are protected by a low wall. Many of the upper river areas have no protection and the power boating creates wakes that are breaking down the banks. Trees along the bank are being undermined and are falling into the river. (photo record)

The banks that fall into the river cause silting and filling of the river and foredam. In the discussion of the infrared discussion of the marsh, it is pointed out that further silting of the river and lake areas would cause the marsh to expand to a condition that would be unmanageable. The whole of the existing waterways could be choked with reeds. (photo record)

- E. The existing natural amenities lend themselves to a nature interpretation program which can be used in conjunction with the school system and can be offered to the general public on weekends and holidays during the high-use seasons of the year.
- F. The 13-acre area to the west of the existing park, because of its relative protection from flooding and its large, flat land area offers the opportunity for development of high intensity park uses such as group picnicking, informal games and sport fields and a large parking lot.
- G. Because of the extreme cost and physical difficulty in developing a total circulation system, several circulation alternatives should be considered including: perimeter road system, one-way perimeter road system, and elimination of automobiles and use of a tram system.
- H. The existing facilities at Lodi Lake Park should be studied and their functions combined into fewer new structures appropriately located to reduce congestion at the main entrance area, and provide improved service to the park users.
- I. Because of its relatively small size and configuration, power boating on Lodi Lake itself should be eliminated.

The project would initially involve development of Phase I and portions of Phase II as outlined in the Master Plan. (pg.2) Implementation of Phase I calls for development of the 58 acres northeast of the present park into a limited use Nature Study Area. This would be comprised of a paved bicycle, emergency/service access, and hiking trail around the perimeter of the 58 acres. There will be two paved access trails which cut across the nature area and tie in with the trail around the perimeter. These trails are necessary for emergency equipment access and fire protection. The fire hazard in this area has been a serious problem for years. In addition to the paved trail, there will be an unpaved nature trail through the area to allow for nature study tours by individuals and organized groups.

A water system will be installed in the area which will provide for fire protection and irrigation of the levee adjacent to the homes located along Edgewood Drive. Pig's Lake, the drainage ditch, and rainfall will provide much of the water necessary to plant and wildlife inhabiting the area.

Chemical toilets will be installed to service the nature study area, so that extension of a sewer line will not be necessary.

This area would be developed with minimal environmental impact to preserve its natural aspects, while allowing limited public recreation use.

The City plans to implement portions of Phase II in conjunction with development of the nature study area to help alleviate a deficiency in high intensity recreation use areas. This would entail removal of the grape vineyard from the 13-acre parcel west of the lake. The land would be graded and prepared for lawn seeding and some tree plantings. It would be irrigated and one of

12.12.150 Bathing, swimming and waterskiing—Where permitted.

No person in a park shall swim, bathe, wade, or water ski in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are set forth in this chapter or may be adopted, nor shall any person frequent any waters or places customarily designated for the purpose of swimming, bathing or waterskiing, or congregate thereat when such activity is prohibited by the director upon a finding that such use of the water would be dangerous or otherwise inadvisable. (Prior code § 15A-27)

12.12.160 Bathing, swimming and waterskiing—Hours.

No person in a park shall frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as are designated by the director for such purposes for each individual area. (Prior code § 15A-28)

12.12.170 Beach structures.

No person in a park shall erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind unless there is an unobstructed view into such tent, shelter or structure from at least two sides; nor shall any guy wire, rope or extension, or exterior brace or support, be connected or fastened from any such structure to any other structure, stake, rock or other object outside of the structure. (Prior code § 15A-29)

12.12.180 Boating—Where permitted.

No person in a park shall bring into or operate any boat, raft or other watercraft, whether motor-powered or not, upon any waters, except at places designated for boating by the director. Such activity shall be in accordance with applicable regulations as of the effective date of the ordinance codified in this chapter or may thereafter be adopted. (Prior code § 15A-30)

12.12.190 Boating—Safety.

No person in a park shall navigate, direct or handle any boat in such a manner as to unjustifiably or unnecessarily annoy or frighten or endanger the occupants of any other boat. (Prior code § 15A-31)

12.12.200 Boating—Hours.

No person in a park shall launch, dock or operate any boat of any kind on any waters between the closing hour of the park at night and opening hour the following morning, nor shall any person be on, or remain on or in any boat during the closed hours of the park. (Prior code § 15A-32)

12.12.210 Picnic areas—Use.

No person in a park shall picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end. (Prior code § 15A-33)

LODI RECREATION AND PARKS DEPARTMENT
RECOMMENDED SCHEDULE
BOAT USE, SWIMMING, AND CITY OPERATED RENTALS FOR LODI LAKE PARK

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
8:00 a.m. to Noon	Power craft	Non-power craft	Power craft	Non-power craft	Power craft	Non-power craft	Power craft 1st/3rd/5th Sunday Non-power craft 2nd/4th Sunday

RECREATIONAL SWIMMING AT BEACH AREA AND
CITY OPERATED RENTALS (canoes, row boats okay with city rentals)

Noon to 6:00 p.m.							
6:00 to dusk	Power craft	Non-power craft	Power craft	Non-power craft	Power craft	Non-power craft	Power craft 1st/3rd/5th Sunday Non-power craft 2nd/4th Sunday

* RED FLAG POLICY - When red flag is up no power or sail craft allowed on lake -- Reserved for swimming and city boat rentals only.

LODI LAKE PARK BOATING REGULATIONS

1. ALL CALIFORNIA BOATING LAWS WILL BE ENFORCED UNLESS LOCAL BOATING REGULATIONS SUPERSEDE SAME HEREIN.
2. ALL BOATERS MUST ADHERE TO THE CITY OF LODI/LODI LAKE PARK DAY/TIME/CRAFT SCHEDULE.
3. ALL BOATS MUST BE LAUNCHED AT LAUNCH AREA ONLY.
4. JET SKIIS, WET-BIKES, OR MOTOR-POWERED SURFBOARDS ARE ALLOWED ON THE LAKE ON THE DESIGNATED DAYS/TIMES FOR POWER BOATING.
5. NO SWIMMING, INNER-TUBES, OR AIR MATTRESSES ALLOWED ON LAKE EXCEPT IN DESIGNATED SWIMMING AREA.
6. BOAT DOCKING ONLY AT BOAT DOCK AREAS.
7. ONLY THREE (3) POWER BOATS/MOTORIZED CRAFT AT ONE TIME ON LAKE.
8. NO BOATS ALLOWED IN BEACH AREA.
9. NO BOATING ALLOWED AFTER DARK.
10. PARK RANGERS WILL BE MONITORING ALL AQUATIC BOATING ACTIVITIES AND SHALL BE UNDER THE PARKS AND RECREATION DEPARTMENT'S AUTHORITY AND DIRECTION FOR CONTROL AND SAFETY OF THE LODI LAKE AREA.

LODI PARKS & RECREATION DEPT.



LODI LAKE PARK
P O W E R B O A T C O U N T
 7/22/87 - 8/5/87

Date	<u>6 : 3 0</u>		<u>7 : 3 0</u>			<u>8 : 3 0</u>			<u>T O T A L</u>				
	#Boats/Att.		Same #Boats/Boats/Att.			Same #Boats/Boats/Att.			Same #Boats/Boats/Att.				
1987													
7/22	0	0	1	0	4	1	1	4	2	1	8		
7/23	0	0	1	0	4	1	1	4	2	1	8		
7/24	0	0	1	0	3	1	1	3	2	1	6		
7/25	1	3	1	1	3	0	0	0	2	1	6		
7/26	1	4	1	1	4	0	0	0	2	1	8		
7/27	2	8	1	1	5	0	0	0	3	1	13		
7/28	1	2	2	1	6	0	0	0	2	1	8		
7/29	1	3	1	1	3	0	0	0	2	1	6		
7/30	2	7	2	2	7	0	0	0	4	2	14		
7/31	1	3	2	1	7	1	1	3	4	2	10		
8/1	2	6	4	2	11	5	2	13	11	4	30		
8/2	4	9	6	3	14	5	1	13	15	4	36		
8/3	1	2	5	1	5	0	0	0	6		7		
8/4	3	7	1	1	2	0	0	0	4	1	9		
8/5	2	9	2	2	9	0	0	0	4	2	18		
T O T A L S											65	23	187

RECEIVED

1987 AUG 11 PM 3:39

ALICE M. REINCHÉ
CITY CLERK
CITY OF LODI

MEMORANDUM

To: Honorable Mayor and Council Members
From: City Attorney
Date: August 11, 1987
Subj: Navigability of Lodi Lake and Mokelumne River

Attached hereto is a copy of a memorandum that I prepared regarding the question of whether the Mokelumne River and Lodi Lake are navigable waters, and if so, whether the City could regulate the use of power boats on the Lake and/or the Mokelumne River. Also attached hereto is a copy of a letter which I sent to the United States Coast Guard and the response that I received from the Coast Guard.

This information is being furnished to you in the event that the question of the navigability of Lodi Lake and/or the Mokelumne River, and its relationship to the City's ability to regulate power boats on either or both of these bodies of water, is brought up at the August 19, 1987 City Council meeting at which time the question of the boats on Lodi Lake will be brought before the City Council.



Ronald M. Stein
City Attorney

RMS:vc

attachments

BOAT/TXTA.01V

MEMORANDUM

To: City Manager
From: City Attorney
Date: July 9, 1987
Re: Navigability of Lodi Lake and the Prohibition of Motorboats on Same.

QUESTION: May the City of Lodi enforce on Lodi Lake, an city ordinance which would prohibit the operation of motorboats?

ANSWER: Harbors and Navigation Code §268 and 660 permit the City of Lodi to prohibit the operation of motorboats on Lodi Lake.

ANALYSIS: Harbors and Navigation Code §268 provides to wit:

"Counties or cities may adopt restrictions concerning the navigation and operation of vessels and water skis, aquaplanes, or similar devices subject to the provisions of subdivision (a) of Section 660, and may grant permits to bonafide yacht clubs, water ski clubs, or civic organizations to conduct vessel or water ski races or other marine events over courses established, marked, and patrolled by authority of the United States Coast Guard, city harbormaster, or other officer having authority over the waters on which such race or other marine event is proposed to be conducted and on such days and between such hours as may be approved thereby. These provisions shall not apply to marine events authorized by United States Coast Guard permit."

Harbors and Navigation Code §660 provides to wit:

"The provisions of this chapter, and of other applicable laws of this state, shall govern the use, equipment, and all other matters relating thereto whenever any boat or vessel shall be used on the waters of this state, or when any activity regulated by this chapter shall take place thereon. Nothing in this chapter shall be construed to prevent the adoption of any ordinance, law, regulation or rule relating to vessels by any entity otherwise authorized by law to adopt such measures, including but not limited to any city, county, city and county, port authority, district or state agency; provided, however, that such measures relating to boats or vessels shall pertain only to time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control,

Page Two
Navigability of Lodi Lake
July 9, 1987

the provisions of which are not in conflict with the provisions of this chapter or the regulations adopted by the department. Such measures shall be submitted to the department prior to adoption and at least 30 days prior to the effective date thereof."

In determining whether the City's ordinance is valid, we must first determine whether the Mokelumne River is considered a navigable water, and further, whether Lodi Lake, which feeds off of the Mokelumne River, is therefore navigable.

In a review of the Harbors and Navigation Code §103, the following language appears:

"The following streams and waters are also navigable and are public ways ... Mokelumne River, between its mouth and the first falls ..."

Upon finding this section, I contacted the County Public Works Department to determine what their view was of this language "between its mouth and the first falls". They were very unclear as to what it meant, so I then contacted the Coast Guard and was told that the Mokelumne River is considered a navigable water. The definition of navigable waters is set forth in "Harbors and Navigation Code §100, to wit:

"Navigable waters and all streams of sufficient capacity to transport the products of the country are public ways for the purposes of navigation and of such transportation. However, the floodwaters of any navigable river, stream, slough, or other watercourse while temporarily flowing above the normal high-water mark over public or private lands outside any established banks of such river, stream, slough, or other watercourse are not navigable waters and nothing in this section shall be construed as permitting trespass on any such lands. For the purposes of this section, "floodwaters" refers to that elevation of water which occurs at extraordinary times of flood and does not mean the water elevation of ordinary annual or recurring high waters resulting from normal runoff."

Page Three
Navagability of Lodi Lake
July 9, 1987

As to whether Lodi Lake itself is navigable, the only case that I found which discussed this was Churchill County v. Kingsbury (1918) 174 P. 329, 178 C. 554, which defined a navigable lake as one which "consists of a body of water contained within its banks as they exist at the stage of ordinary high water."

In Attorney General's Opinion cited at 122, Opinion No. 64-334, May 1965, the question was asked whether the City of Sacramento could prohibit all motorboats from operating on portions of the American River, between the Sixteenth Street Bridge and the Nimbus Dam. In response to the question, the Attorney General found that Harbors and Navigation Code §660 permits a local entity to regulate, even in navigable water, in a special use area. Although the Attorney General could not find a definition for "special use area", they found that the context and usage of that term suggests the setting aside of a portion of water for specified uses to the exclusions of other incompatible uses. The Attorney General found that because of safety concerns, etc., that the City and County of Sacramento were permitted to eliminate motorized vehicles from that portion of the River. It should be noted that they did continue to permit other vessels such as sailboats, innertubes, rafts, etc.

In a 1979 California Appellate Court decision Younger v. El Dorado County (1979) 157 Cal.Rptr. 815, 96 C.A. 3d 403, the Appellate Court found that an ordinance banning all rafting and boating by the public on the South Fork of the American River, which was a navigable River, where the particular area was highly suited for boating, and much less suited for swimming, rafting, and fishing, was neither a permissible special use area designation under Harbors and Navigation Code §660, or a reasonable sanitation and pollution control measure. The Court was quick to distinguish the fact situation in the Younger case from the above-mentioned Attorney General's Opinion, in that in the Younger case, all means of boating were prohibited, including sailboats, etc., whereas in the Attorney General's Opinion, only motorboats were prohibited.

It is therefore my opinion that the City, upon reasonable justification, could prohibit the use of motorized boats in the Lodi Lake.


Ronald M. Stein
City Attorney

RMS:vc

Mokelumn/txta.01v

CITY COUNCIL

EVELYN M. OLSON, Mayor
JOHN R. (Randy) SNIDER
Mayor Pro Tempore
DAVID M. HINCHMAN
JAMES W. PINKERTON, Jr.
FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
TELECOPIER (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMICHE
City Clerk
RONALD M. STEIN
City Attorney

July 14, 1987

Lt. Commander Gene Brooks
11th Coast Guard District
Legal Office
400 Oceangate
Long Beach, California

Dear Commander Brooks:

This will confirm your conversation on July 10, 1987 with my secretary, Vera Crete, regarding questions of the navigability of Lodi Lake, as well as other concerns involving the Lake and power boats thereon.

At the present time, the Mokelumne River feeds into Lodi Lake, and consideration is being given to banning power boats on the Lake, subject to Harbors and Navigation Code 5268 and 660. We would appreciate your advice as to whether Lodi Lake is navigable, and any other information that you can provide in order for the City of Lodi to address the concerns of our citizens as well as the City's concerns about power boats on our Lake.

I am enclosing a copy of a portion of a Lodi Lake Masterplan which was prepared in 1986 by Architect Richard A. Bigler for the City, which recommends discontinuance of power boating on the Lake for the reasons discussed in the attached report. Also enclosed is a drawing of Lodi Lake which may be of assistance to you.

Thank you for your cooperation in this regard.

Sincerely yours,



RONALD M. STEIN
CITY ATTORNEY

RMS:vc

attachment

brooks/txta.01v

LODI LAKE MASTERPLAN. SUMMER 1984

BOATING:

The issue of boating is brought up in the 1975 Masterplan of the Lodi Lake. The recommendation is to discontinue power boating. No discussion exists other than to stop power boating.

Power boating, as it now exists should be discontinued. Not only is the present use life threatening, it is a miracle, no life or limb has been lost to date. The result of such a accident would result in a massive suit against the City.

Other negative factors of power boating are:

- a. Noise pollution of a residential area.
- b. Human powered boats, sail boats, surf craft and power boats do not mix. (photo record)
- c. Bank damage to the river. The main portion of the lake and some areas of the river are protected by a low wall. Many of the upper river areas have no protection and the power boating creates wakes that are breaking down the banks. Trees along the bank are being undermined and are falling into the river. (photo record)

The banks that fall into the river cause silting and filling of the river and foredam. In the discussion of the infrared discussion of the marsh, it is pointed out that further silting of the river and lake areas would cause the marsh to expand to a condition that would be unmanageable. The whole of the existing waterways could be choked with reeds. (photo record)

LODI LAKE MASTERPLAN. SUMMER 1986

MISCELLANEOUS ITEMS:

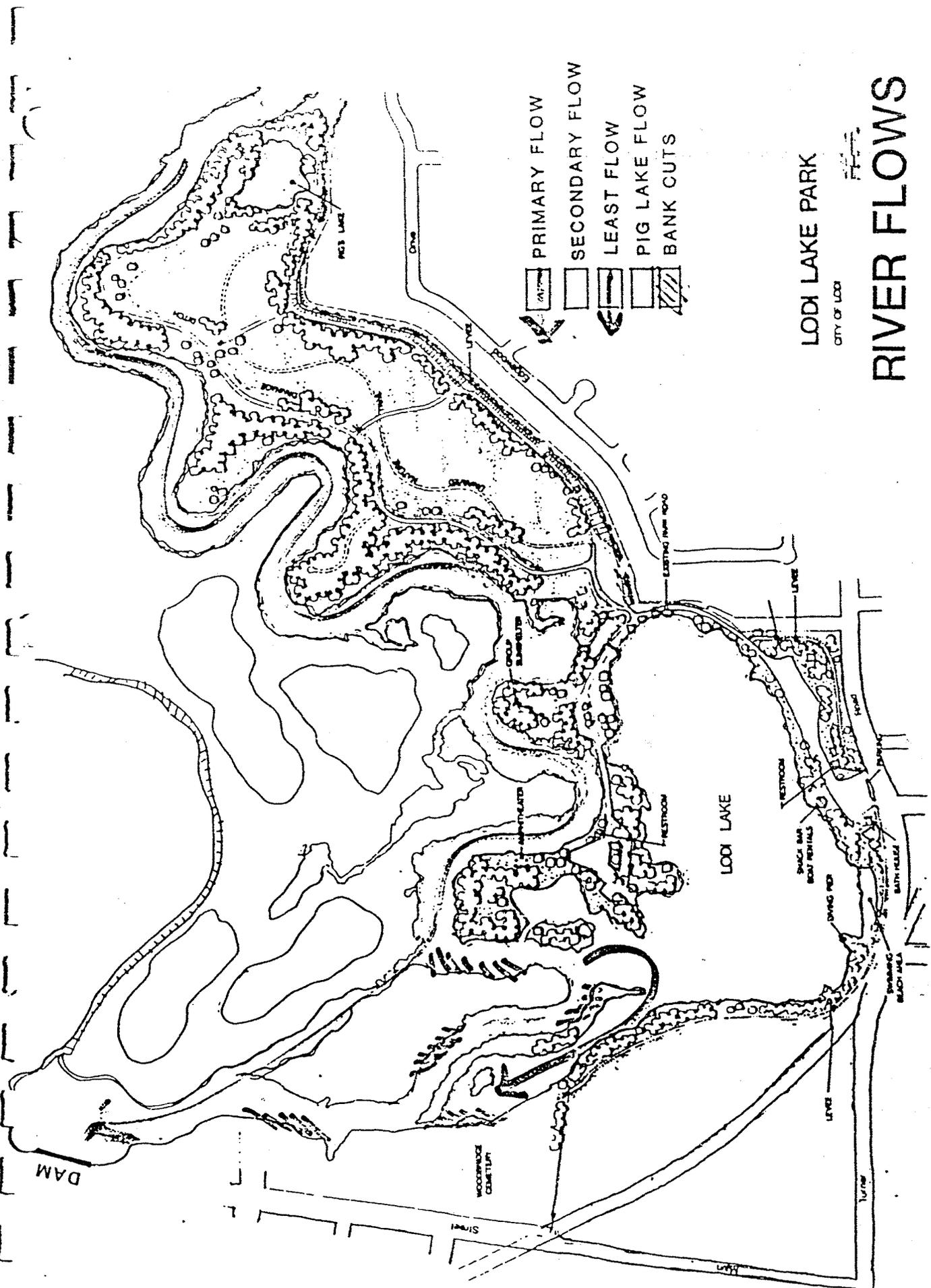
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THE BOATING PROBLEM: Power boating should be stopped. Mixing of water skiing with sail and human powered craft should be discontinued. (photo record)

UNEVEN SURFACES: There are many surfaces that offer accident incentive. For example:

- a. In the picnic area in the central park, there are many uneven surfaces at grade, or where a person walking or running could trip or fall. (photo record)
- b. Many of the car stops, cooking structures, and monuments are made of rough stone, and placed in areas that are main public trafficway. (photo record)
- c. Poor, or no, lighting in dark areas that are used by the public.
- d. Structures erected by Pig Lake, and the river that invite public use of the lake and river. (photo record)
- e. Poor signage to warn the public.

It is impossible to protect the public in every way in a park of this type. But, the City should show reasonable effort to address this matter in case of a suit.



LODI LAKE PARK

CITY OF LODI

RIVER FLOWS

U.S. Department
of Transportation
United States
Coast Guard



Commander
Eleventh Coast Guard District

Union Bank Bldg.
400 Oceangate
Long Beach, CA
90822-5399
Staff Symbol: (dl)
FTS-984-5210
213-499-5210

AUG 03 '87

City Attorney's Office

16750/Y2

JUL 30 1987

Ronald M. Stein
City Attorney
City of Lodi
221 West Pine Street
Call Box 3006
Lodi, CA 95241-1910

Dear Mr. Stein:

In response to your letter of July 14th, the Coast Guard has not determined the federal navigability of Lodi Lake. No Coast Guard navigation regulations exist regarding Lodi Lake and the Eleventh Coast Guard District has no future plans for federal regulation of the lake.

State and local authorities may adopt and enforce local navigation regulations under their police power that do not conflict with existing federal regulations or deal with matters specifically preempted by federal statute or regulation. Because the Coast Guard does not have or intend to promulgate federal regulations regarding Lodi Lake and because the California Harbors and Navigation Code has not been preempted by federal law, the city is free to regulate navigation on Lodi Lake in accordance with state and local law. I do recommend that you contact the Army Corps of Engineers to determine if they have any regulations regarding Lodi Lake.

Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "S. E. Burton".

S. E. BURTON
Commander, U.S. Coast Guard
Legal Officer
Eleventh Coast Guard District

with the exterior sound level measurement procedure for pleasure motorboats recommended by the Society of Automotive Engineers in its recommended practice designated SAEJ34. The department may, by regulation, amend such testing procedures when deemed necessary to adjust to advances in technology.

The provisions of this section shall not apply to motorboats competing under a local public entity or United States Coast Guard permit in a regatta, in a boat race, while on trial run, or while on official trials for speed records during the time and in the designated area authorized by the permit. In addition, this section shall not apply to motorboats preparing for a race or regatta if authorized by a permit issued by the local entity having jurisdiction over the area where the preparations will occur.

654.06. Sale of engine at retail, restriction. No person shall sell or offer for sale at retail any internal combustion engine for use on any motorboat which, when operated, exceeds the following noise levels:

- (a) For engines manufactured on or after January 1, 1974, and before January 1, 1976, a noise level of 56 dbA measured at a distance of 50 feet from the motorboat.
- (b) For engines manufactured on or after January 1, 1976, and before January 1, 1978, a noise level of 54 dbA measured at a distance of 50 feet from the motorboat.
- (c) For engines manufactured on or after January 1, 1978, a noise level of 52 dbA measured at a distance of 50 feet from the motorboat.

654.1. Shoreline facilities for servicing holding tanks in vessels. Boating facilities constructed with funds derived from the state shall be required as a condition for the receipt of such funds to provide shoreline facilities for purposes of emptying waste matter holding tanks from vessels in accordance with needs and standards as established by the department.

655. Reckless or negligent operation; influence of alcohol or drugs. (a) No person shall use any boat or vessel or manipulate any water skis, aquaplane or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person. The department shall adopt regulations for the use of boats or vessels, water skis, aquaplanes or similar devices in a manner which will minimize the danger to life, limb, or property consistent with reasonable use of the equipment for the purpose for which it was designed.

(b) No person shall operate any boat or vessel or manipulate any water skis, aquaplane, or similar device while under the influence of intoxicating liquor, any drug, or the combined influence of intoxicating liquor and any drug.

(c) No person shall operate any boat or vessel or manipulate any water skis, aquaplane, or similar device while under the influence of intoxicating liquor, any drug, or under the combined influence of intoxicating liquor and any drug, and while so operating, do any act forbidden by law, or neglect any duty imposed by law in the use of the boat, vessel, water skis, aquaplane, or similar device, which act or neglect proximately causes death or serious bodily injury to any person other than himself.

655.2. Speed limit for vessels in certain areas. Every owner, operator, or person in command of any vessel propelled by machinery is guilty of a misdemeanor who uses it or permits it to be used at a speed in excess of five miles per hour in any portion of the following areas not otherwise regulated by local rules and regulations:

- (a) Within 100 feet of any person who is engaged in the act of bathing. A person engaged in the sport of water skiing shall not be considered as engaged in the act of bathing for the purposes of this section.
- (b) Within 200 feet of any:
 - (1) Beach frequented by bathers.
 - (2) Swimming float, diving platform, or lifeline.
 - (3) Way or landing float to which boats are made fast or which is being used for the embarkation or discharge of passengers.

The provisions of this section shall apply to all waters which are in fact navigable regardless of whether they are declared navigable by this code.

655.3. Pilot rules; departmental powers. The department may establish and maintain for the use of vessels on the waters of this state rules of the road and pilot rules in conformity with those contained in the federal navigation laws or the navigation rules promulgated by the United States Coast Guard.

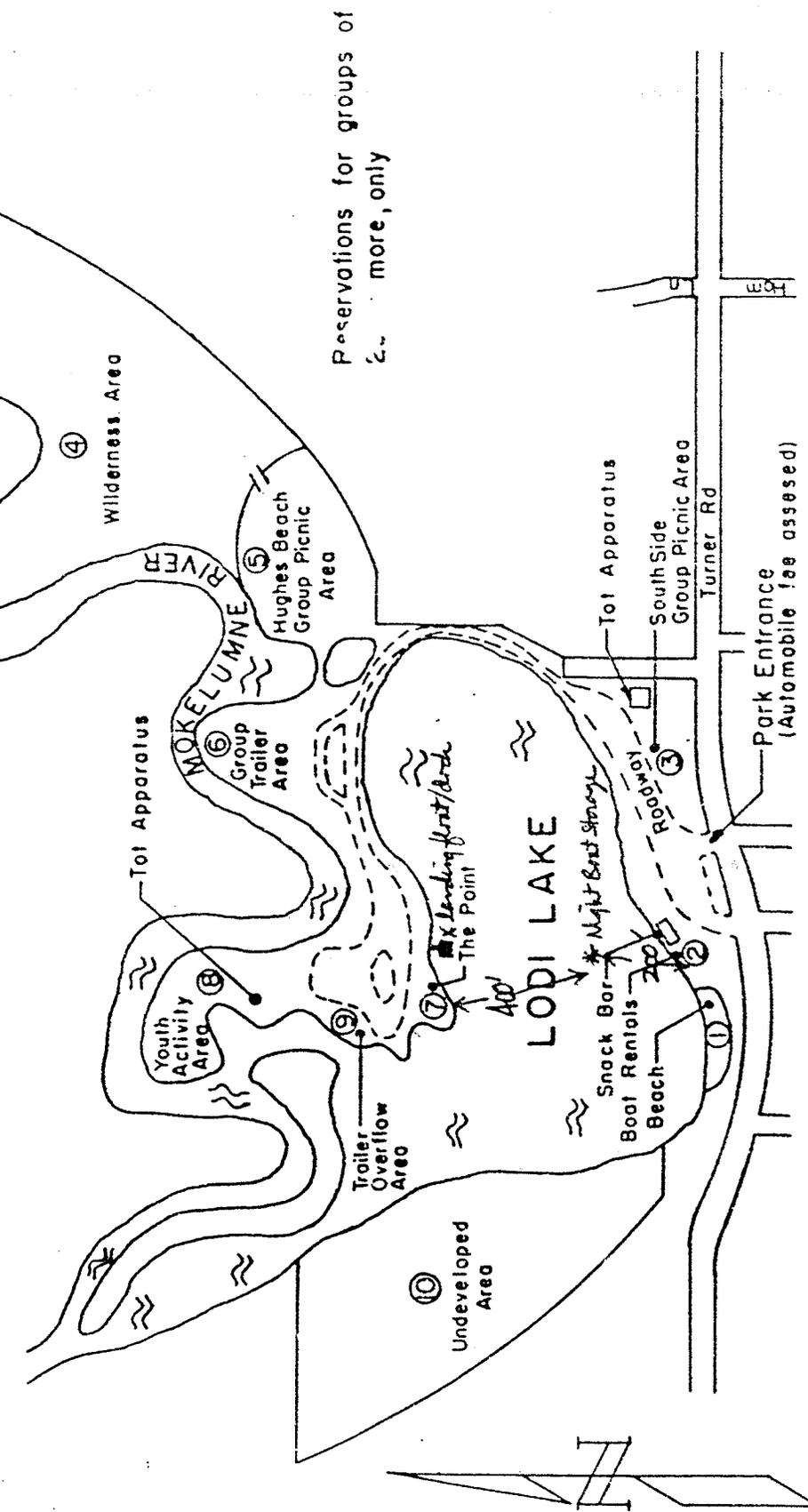
654. Duties of operator of the vessel. (a) Without serious damage inflicted by the collision as may be necessary in collision, accident or other emergency, the operator of the vessel shall be liable in writing to the person injured in collision, accident or other emergency. (b) Any person who renders assistance at the scene of a collision, accident or other emergency shall be liable in writing to the person injured in collision, accident or other emergency. (c) The owner, operator or person in command of the vessel shall report the accident to the department. The department shall maintain an accident reporting system and accident reporting system shall be the successor thereto. Compliance with Part 173 of Title 33 of the Code of Regulations shall be a condition of a person as a result of a collision, accident or other emergency, to the extent of the means available, to the person injured in collision, accident or other emergency. (d) Neither the report nor the report with regard to such report or due care of any part of the vessel. (e) All required accidents shall be reported to the individual so report any peace officer acting in the name of the department shall disclose the name and location of the operator of the vessel, the name of the minor operator, the name of the owner, and the name of the vessel. (f) The provisions of this section shall not apply to non-recreational-type vessels, vessels otherwise exempted from the provisions of this section.

656. Safety information. The department shall develop a program of public information and property in the operation of the vessel.

657. Transmittal of accident report. request duly made by an operator of the vessel or other person who is involved in an accident shall be transmitted to said official or agency.

658. Operation of motorboat. No person shall operate a motorboat on any waters for towing a vessel or other watercraft unless there is in such vessel a person to observe the operation of the motorboat. This subdivision shall apply to any person being towed and the operator of the motorboat. The department shall develop a program of public information and property in the operation of the vessel. (b) No person shall operate a motorboat on water skis or aquaplanes.

- ① Beach - Lifeguards on duty June thru August (weekends only May) admission charged
- ② Boat rentals - Pedal boats, paddle boards, kayaks June thru August (weekends only May)
- ③ South side group picnic area - bar-b-ques, tables
- ④ Wilderness area - Guided tours available, 58 acres
- ⑤ Hughes Beach group picnic area - bar-b-ques, tables, volleyball, horseshoes
- ⑥ Group Trailer area - bar-b-ques, shelter, tables, horseshoes, dump station, hookups
- ⑦ Point group picnic area - bar-b-ques, tables
- ⑧ Youth Activity area - fire circle, amphitheater, tables
- ⑨ Trailer Overflow area - hookups
- ⑩ Undeveloped area - 13 acres



Reservations for groups of
2 or more, only

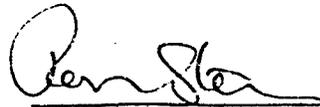
LODI LAKE PARK & WILDERNESS AREA

MEMORANDUM

To: Honorable Mayor and Council Members
From: City Attorney
Date: August 11, 1987
Subj: Navigability of Lodi Lake and Mokelumne River

Attached hereto is a copy of a memorandum that I prepared regarding the question of whether the Mokelumne River and Lodi Lake are navigable waters, and if so, whether the City could regulate the use of power boats on the Lake and/or the Mokelumne River. Also attached hereto is a copy of a letter which I sent to the United States Coast Guard and the response that I received from the Coast Guard.

This information is being furnished to you in the event that the question of the navigability of Lodi Lake and/or the Mokelumne River, and its relationship to the City's ability to regulate power boats on either or both of these bodies of water, is brought up at the August 19, 1987 City Council meeting at which time the question of the boats on Lodi Lake will be brought before the City Council.



Ronald M. Stein
City Attorney

RMS:vc

attachments

BOAT/TXTA.01V

MEMORANDUM

To: City Manager
From: City Attorney
Date: July 9, 1987
Re: Navigability of Lodi Lake and the Prohibition of Motorboats on Same.

QUESTION: May the City of Lodi enforce on Lodi Lake, an city ordinance which would prohibit the operation of motorboats?

ANSWER: Harbors and Navigation Code §268 and 660 permit the City of Lodi to prohibit the operation of motorboats on Lodi Lake.

ANALYSIS: Harbors and Navigation Code §268 provides to wit:

"Counties or cities may adopt restrictions concerning the navigation and operation of vessels and water skis, aquaplanes, or similar devices subject to the provisions of subdivision (a) of Section 660, and may grant permits to bonafide yacht clubs, water ski clubs, or civic organizations to conduct vessel or water ski races or other marine events over courses established, marked, and patrolled by authority of the United States Coast Guard, city harbormaster, or other officer having authority over the waters on which such race or other marine event is proposed to be conducted and on such days and between such hours as may be approved thereby. These provisions shall not apply to marine events authorized by United States Coast Guard permit."

Harbors and Navigation Code §660 provides to wit:

"The provisions of this chapter, and of other applicable laws of this state, shall govern the use, equipment, and all other matters relating thereto whenever any boat or vessel shall be used on the waters of this state, or when any activity regulated by this chapter shall take place thereon. Nothing in this chapter shall be construed to prevent the adoption of any ordinance, law, regulation or rule relating to vessels by any entity otherwise authorized by law to adopt such measures, including but not limited to any city, county, city and county, port authority, district or state agency; provided, however, that such measures relating to boats or vessels shall pertain only to time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control,

Page Two
Navigability of Lodi Lake
July 9, 1987

the provisions of which are not in conflict with the provisions of this chapter or the regulations adopted by the department. Such measures shall be submitted to the department prior to adoption and at least 30 days prior to the effective date thereof."

In determining whether the City's ordinance is valid, we must first determine whether the Mokelumne River is considered a navigable water, and further, whether Lodi Lake, which feeds off of the Mokelumne River, is therefore navigable.

In a review of the Harbors and Navigation Code §103, the following language appears:

"The following streams and waters are also navigable and are public ways ... Mokelumne River, between its mouth and the first falls ..."

Upon finding this section, I contacted the County Public Works Department to determine what their view was of this language "between its mouth and the first falls". They were very unclear as to what it meant, so I then contacted the Coast Guard and was told that the Mokelumne River is considered an navigable water. The definition of navigable waters is set forth in "Harbors and Navigation Code §100, to wit:

"Navigable waters and all streams of sufficient capacity to transport the products of the country are public ways for the purposes of navigation and of such transportation. However, the floodwaters of any navigable river, stream, slough, or other watercourse while temporarily flowing above the normal high-water mark over public or private lands outside any established banks of such river, stream, slough, or other watercourse are not navigable waters and nothing in this section shall be construed as permitting trespass on any such lands. For the purposes of this section, "floodwaters" refers to that elevation of water which occurs at extraordinary times of flood and does not mean the water elevation of ordinary annual or recurring high waters resulting from normal runoff."

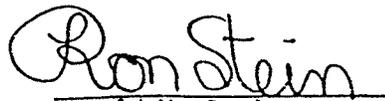
Page Three
Navagability of Lodi Lake
July 9, 1987

As to whether Lodi Lake itself is navigable, the only case that I found which discussed this was Churchill County v. Kingsbury (1918) 174 P. 329, 178 C. 554, which defined a navigable lake as one which "consists of a body of water contained within its banks as they exist at the stage of ordinary high water."

In Attorney General's Opinion cited at 122, Opinion No. 64-334, May 1965, the question was asked whether the City of Sacramento could prohibit all motorboats from operating on portions of the American River, between the Sixteenth Street Bridge and the Nimbus Dam. In response to the question, the Attorney General found that Harbors and Navigation Code §660 permits a local entity to regulate, even in navigable water, in a special use area. Although the Attorney General could not find a definition for "special use area", they found that the context and usage of that term suggests the setting aside of a portion of water for specified uses to the exclusions of other incompatible uses. The Attorney General found that because of safety concerns, etc., that the City and County of Sacramento were permitted to eliminate motorized vehicles from that portion of the River. It should be noted that they did continue to permit other vessels such as sailboats, innertubes, rafts, etc.

In a 1979 California Appellate Court decision Younger v. El Dorado County (1979) 157 Cal.Rptr. 815, 96 C.A. 3d 403, the Appellate Court found that an ordinance banning all rafting and boating by the public on the South Fork of the American River, which was a navigable River, where the particular area was highly suited for boating, and much less suited for swimming, rafting, and fishing, was neither a permissible special use area designation under Harbors and Navigation Code §660, or a reasonable sanitation and pollution control measure. The Court was quick to distinguish the fact situation in the Younger case from the above-mentioned Attorney General's Opinion, in that in the Younger case, all means of boating were prohibited, including sailboats, etc., whereas in the Attorney General's Opinion, only motorboats were prohibited.

It is therefore my opinion that the City, upon reasonable justification, could prohibit the use of motorized boats in the Lodi Lake.


Ronald M. Stein
City Attorney

RMS:vc

Mokelumn/txta.01v

CITY COUNCIL

EVELYN M. OLSON, Mayor
JOHN R. (Randy) SNIDER
Mayor Pro Tempore
DAVID M. HINCHMAN
JAMES W. PINKERTON, Jr.
FRED M. REID

CITY OF LODI

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RONALD M. STEIN
CITY ATTORNEY

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brooks/txta.01v

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LODI LAKE MASTERPLAN, SUMMER 1986

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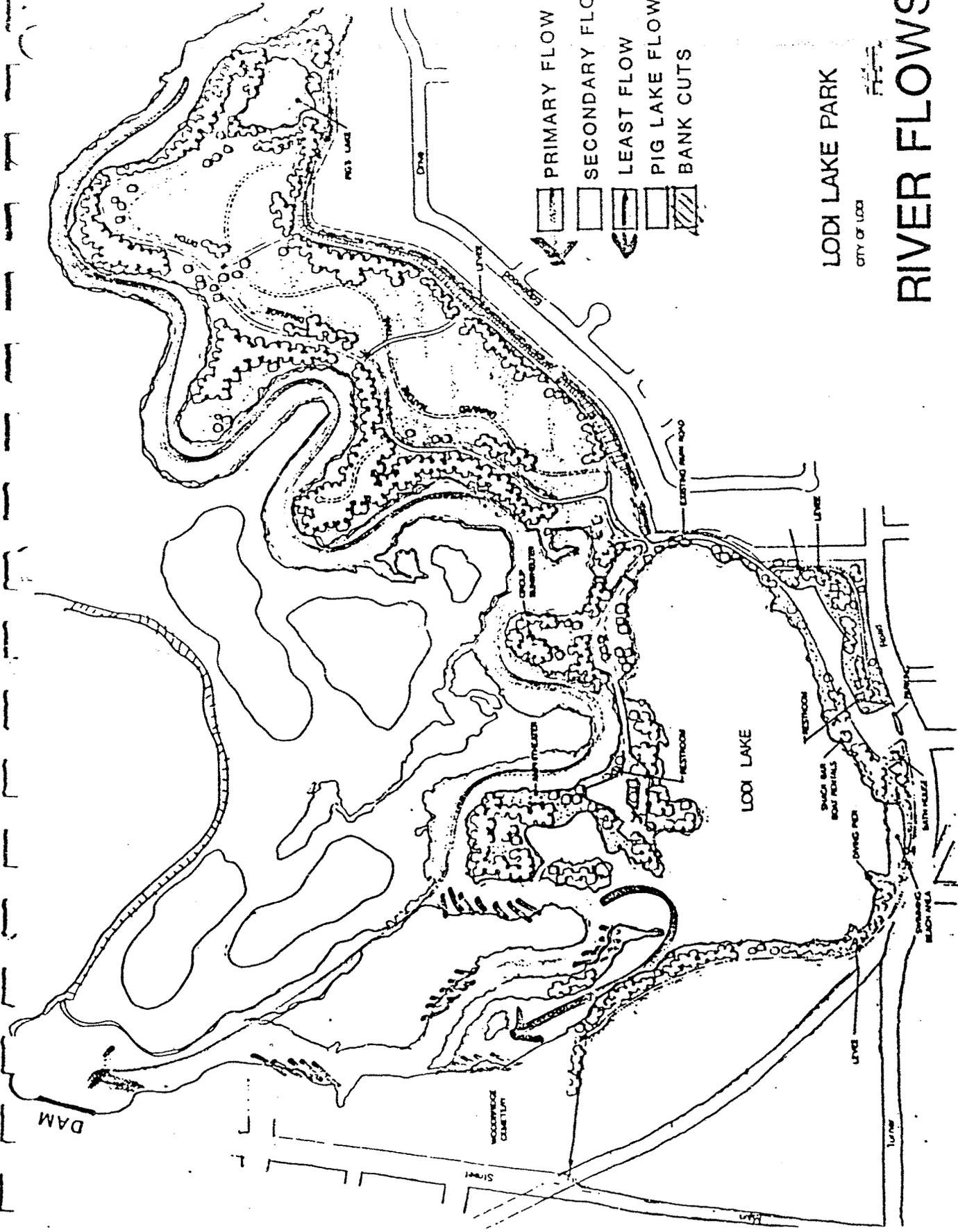
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RIVER FLOWS

LODI LAKE PARK
CITY OF LODI

- PRIMARY FLOW
- SECONDARY FLOW
- LEAST FLOW
- PIG LAKE FLOW
- BANK CUTS



U.S. Department
of Transportation
United States
Coast Guard



Commander
Eleventh Coast Guard District

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AUG 03 '87

City Attorney's Office

16750/Y2

JUL 30 1987

Ronald M. Stein
City Attorney
City of Lodi
221 West Pine Street
Call Box 3006
Lodi, CA 95241-1910

Dear Mr. Stein:

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Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "S. E. Burton".

S. E. BURTON
Commander, U.S. Coast Guard
Legal Officer
Eleventh Coast Guard District

CITY COUNCIL

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THOMAS A. PETERSON
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RONALD M. STEIN
City Attorney

August 25, 1987

Mr. Dean Devine
Lodi Parks and Recreation Commission
420 West Turner Road
Lodi, CA 95240

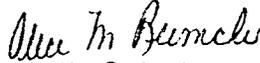
Honorable Members of the Lodi Parks and Recreation Commission:

This letter will confirm action taken by the Lodi City Council at its regular meeting of August 19, 1987 regarding motorized boating on Lodi Lake, whereby Council:

- A) Established the following schedule for boating on Lodi Lake:
 - I. Power Craft will be allowed to use the lake from 8:00 a.m. to noon and 6:00 p.m. to dusk on Mondays, Wednesdays, and Fridays.
 - II. Non-power craft will be allowed to use the lake from 8:00 a.m. to noon and 6:00 p.m. to dusk on Tuesdays, Thursdays, Saturdays, and Sundays.
- B) Directed that a survey be conducted on the lake's usage by non-power craft.
- C) Voted to close the boats' access from the launch on the lake to the Mokelumne River next March.
- D) Directed Staff to bring back to Council a recommendation on the types of power craft that should be prohibited from using the lake.

Please do not hesitate to call this office regarding any questions you may have regarding this matter.

Very truly yours,


Alice M. Reimche
City Clerk

AMR:jj

cc: Ron Williamson
Director
Parks and Recreation Department

File	<i>2/19/88</i>
Number	<i>1000 1000 1000</i>

DECLARATION OF MAILING

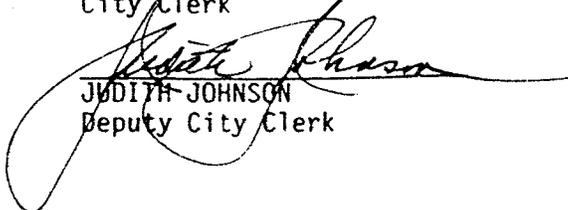
On August 13, 1987 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 13, 1987, at Lodi, California.

ALICE M. REIMCHE
City Clerk



JUDITH JOHNSON
Deputy City Clerk

EMERGENCY



CITY OF LODI

CITY COUNCIL CHAMBERS
221 W. Pine Street, Lodi

CITY COUNCIL AGENDA REGULAR MEETING - WEDNESDAY

Date: AUGUST 19, 1987
Time: 7:30 p.m.

Res. No. 87-104
Ord. No. 1405

- a) Roll Call - City Clerk
- b) Invocation - Pastor Darrell Thomas - First United Methodist Church
- c) Pledge of Allegiance - Led by Mayor Olson
- d) Presentations
 - 1. Awards - None
 - 2. Proclamations - None
 - 3. Presentations - None
- e) CONSENT CALENDAR
 - 1. Reports of the City Manager
 - A) Claims - \$1,363,150.82 (Motion)
 - B) Minutes - None
 - C) Approve specifications for a Digger Derrick/ Bucket Truck combination and authorize advertising for bids (Motion)
 - D) Approve specifications for three 15-KV Vacuum Circuit Breakers and authorize advertising for bids (Motion)
 - E) Approve specifications for 69-KV SF6 Circuit Breaker and authorize advertising for bids (Motion)
 - F) Approve plans and specifications for Well 10R Pump and Motor and Site Improvements (located east side of Central California Traction Line at Lime Street off of Guild Avenue) and authorize advertising for bids (Motion)
 - G) Approve purchase of Aeration Diffusers for White Slough Treatment Facility (area located west of Thornton Road approximately two miles south of Highway 12) (Motion)
 - H) Award bid for purchase of 60-12 KV Power Transformer (Res.)
 - I) Award contract for Lincoln Avenue Storm Drain Outfall Structure, located 550 feet north of Turner Road (Res.)

Res. No. 87-104

Res. No. 87-105

CITY COUNCIL AGENDA
AUGUST 19, 1987
PAGE NO. TWO

- J) Accept improvements under Softball Complex Restrooms (401 North Stockton Street) and Armory Park Restrooms (333 North Washington Street) Contract (Motion)
- Res. No. 87-106 K) Establish 1987-88 Tax Rate for Bond Interest and Redemption (Res.)
- L) Set Public Hearing for September 2, 1987 to consider appeal of Mr. Tom Sakoda of the action of the Planning Commission regarding his request for variances at 418 South Lee Street, Lodi (Motion)
- M) Pursuant to the Lodi Municipal Code a Public Hearing has been set by the City Clerk for September 2, 1987 to consider the application received from Vernon J. Stannard, 9248 Premiere Way, Sacramento (Cavalier Limousine Service), to operate a limousine service within the City of Lodi (Information Only)
- N) Approve agreement between the City of Lodi and George Sakurai and Ken Wollenberg to operate the Golf Driving Range located at 531 East Lockeford Street, Lodi (Motion)
- Res. No. 87-107 O) Accept improvements in Johnson Ranch Unit No. 1, located along Century Boulevard, West of Cherokee Lane (Res.)
- Res. No. 87-108 P) Accept improvements in Noma Ranch Unit No. 2 at northwest corner of Almond Drive and Coventry Way (Res.)
- Q) Approve final map and agreement for Lakeshore Gardens situated on Sylvan Way, Sage Way and Century Boulevard and authorize the City Clerk and City Manager to execute the documents (Motion)
- Res. No. 87-109 R) Approve agreement for Maintenance of State Highways in the City of Lodi and authorize the Mayor and City Clerk to execute the agreement (Res.)

f) Public Hearings

- Ord. No. 1405 1. To consider extending the moratorium established pursuant to Ordinance No. 1387 adopted by the Lodi City Council on August 6, 1986 on the construction or reconstruction of off-premise signs as defined in Lodi Municipal Code Section 17.63.370 (Adopt Urgency Ordinance)
2. To consider recommended uses of Revenue Sharing Funds as they pertain to the proposed City of Lodi 1987-88 Capital Improvement Program (Discussion and appropriate action)

Res.No. 87-110 3. Pursuant to State of California Government Code Section 39576 to receive a report of the cost of abating weeds in front of or on each separate parcel of land where the work was done by the City of Lodi (Res.)

g) Planning Commission - Meeting of August 10, 1987

1. Determined that the Capital Improvement Program for July 1, 1987 to June 30, 1988 was in conformance with the Lodi General Plan.
2. Conditionally approved the Amended Tentative Map of Maggio Industrial Park, a 37.6 acre, 23 lot project, proposed for the northwest corner of East Harney Lane and South Stockton Street as requested by Baumbach and Piazza, Consulting Engineers, on behalf of Rudy Maggio.
3. Conditionally approved a Use Permit to install a temporary concrete batch plant and portable office at 1360 East Turner Road in an area zoned M-2, Heavy Industrial, as requested by Larry Busch on behalf of Concrete, Inc.

(Information only)

h) Communications (City Clerk)

1. Claims filed against the City of Lodi
 - A) Alfred Press, DOL 4/10/87
 - B) Ruth Gipson, DOL 6/11/87(Motion)
2. Alcoholic Beverage License Application
 - A) Juarez Mexican Food, 107 Lakewood Mall, Lodi
On Sale Beer and Wine Eating Place
Person to Person Transfer (Information Only)
3. Miscellaneous
 - A) Letter from the Bay Area Rapid Transit District advising of the Board of Directors position on a potential mass transit link to the proposed Superconducting Super-Collider Project. (Discussion and appropriate action)
 - B) Petition received requesting rent control be established in the City of Lodi (Discussion and appropriate action)

i) Comments by City Council Members

j) Comments by the Public on non-agenda items

k) REGULAR CALENDAR - Reports of the City Manager

1. Review of the Lodi Parks and Recreation Commission's recommendation regarding motorized boating on Lodi Lake (Discussion and appropriate action)
2. Review Eilers Lane Street Closures Study (east of Lilac Street) (Discussion and Appropriate action)
3. Review El Portal Traffic Study (area bounded by Harney Lane, South Hutchins Street, Century Boulevard and the Southern Pacific Railroad Tracks) (Discussion and appropriate action)
4. Appoint City representative to serve on San Joaquin County Hazardous Waste Management Plan Advisory Committee (Motion)
5. Approve agreement to form a county-wide drug enforcement team (CRACNET) (Motion)
6. Approve purchase of two additional vehicles for the Police Department (Motion)

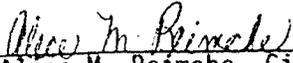
l) Ordinance

1. Ordinance No. 1404 - An Ordinance Adopting a Capital Improvement Program Budget for the City of Lodi for Fiscal Year 1987-88 (Adopt as an Urgency Ordinance)

m) Closed Session regarding litigation - Ronald Flaherty DOL 3/21/86

n) Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this Agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.



Alice M. Reimche, City Clerk

For information concerning this Agenda
please contact Alice M. Reimche, City Clerk,
Telephone - 333-6702



Willow Glen Home Owners' Assn.
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Lodi, CA 95240

Mr. Howard Arnaiz
Mokelumne Village Subdivision
1073 Awani Drive
Lodi, CA 95240

Dr. Don Nakashima
1731 LeBec Court
Lodi, CA 95240

Mrs. Cecil Church
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